

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

SHEPARD JOHNSON,

Plaintiff, No. CIV S-10-1968 GEB GGH PS

VS.

CHESTER MITCHELL, et al.,

## ORDER

## Defendants.

Plaintiff, who proceeds in pro se, has filed a request for clarification of this court's order of February 8, 2011. The order in part vacated the hearing on defendants' motions to set aside entry of default, and provided that they would be taken under submission without oral argument after all briefing was filed. Plaintiff is informed that the briefing schedule is determined by E.D. Local Rule 230 which requires an opposition fourteen days preceding the notice hearing date, and an optional reply seven days prior to the hearing date. The previously noticed hearing date of March 3, 2011 is the operative date.

Plaintiff's proposed briefing schedule is construed as a request for extension of time to the aforementioned rule. As the pending motions to intervene and dismiss may render such matters moot, that request is granted. Plaintiff's opposition shall be due no later than

1 fourteen days after an order adopting or rejecting this court's findings and recommendations  
2 disposing of the trustee's motions to intervene and to dismiss. For this reason, plaintiff can file  
3 such opposition at any time up to the fourteen day limit set forth above taking into consideration  
4 his own availability.

5 As to plaintiff's questions regarding the timing of the issuance of an order, the  
6 court's determination on the pending motion to intervene and dismiss will be determined after all  
7 briefing is submitted and as soon as practicable.

8 Accordingly, IT IS ORDERED that:

9 1. Plaintiff's motion for clarification, filed February 9, 2011, (dkt. # 55), is granted in  
10 part.

11 2. Plaintiff's opposition to the motions to set aside entry of default, filed January 18,  
12 2011, shall be due within fourteen days of an order adopting or rejecting this court's findings and  
13 recommendations disposing of the trustee's motions to intervene and to dismiss. Any reply may  
14 be filed within seven days after an opposition is filed. No sur-reply is permitted.

15 DATED: February 15, 2011

16 /s/ Gregory G. Hollows

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17 GREGORY G. HOLLOWNS  
18 U. S. MAGISTRATE JUDGE

19 GGH:076/Johnson1968.cla.wpd

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